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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:
LOCHEL, KENNETH
LOCHEL, DEBORAH
Debtor(s),

CASE NO.: BK-S 09-20467-LBR
IN CHAPTER 7 PROCEEDINGS

**66 TIDWELL LANE,
HENDERSON, NEVADA 89074**

Hearing Date: September 30, 2009
Hearing Time: 10:00 a.m.

OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY

COME NOW, KENNETH LOCHEL AND DEBORAH LOCHEL (hereinafter the "Debtors"), by and through their attorneys, PIET & WRIGHT, L.L.C., and attorney CHARLES T. WRIGHT, ESQ., and respectfully request this Court to deny the MOTION FOR RELIEF FROM AUTOMATIC STAY filed by **U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE STRUCTURED ASSET SECURITIES CORPORATION MORTGAGE**, by and through their attorney, GREGORY L. WILDE, ESQ., OF WILDE & ASSOCIATES, local counsel for TIFFANY & BOSCO, P.A., as follows:

POINTS AND AUTHORITIES

11 U.S.C. Section 362(d)(1) states that the Court may terminate, modify or condition stay

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1 "for cause, including the lack of adequate protection of an interest
2 in property of such party in interest;---"

3 11 USC Section 362(d)(2) the Court may terminate, modify or condition a stay

4 "with respect to a stay of an act against property under subsection
5 (a) of this section, if –

6 (A) the debtors do not have an equity in such property AND

7 (B) such property is not necessary to an effective
8 reorganization"

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10 **STATEMENT OF FACTS**

11 Debtors property has liens of approximately \$218,039.57 for the property
12 located at 66 Tidwell Lane, Henderson, NV 89074. Debtors believe that they do not
13 have any equity in the property.

14 11 U.S.C. Section 361(1) may apply as:

15 1. Debtors acknowledge that if they are late on the post petition payments,
16 they will need some time to acquire the necessary funds to cure all post-petition
17 arrearages.

18 2. Debtor has been accepted for modification on the mortgage to this
19 property and is currently pursuing the same.

20 3. Debtors intentions are to stay current on future post-petition payments.

21 THEREFORE, Debtors request that the Motion filed be denied under 11 U.S.C.
22 Section 362(d)(1) or (2), and that any action on creditor's behalf be stayed for an
23 adequate amount of time to allow Debtors to become current on the post petition
24 arrearages and/or to stipulate to an Order Re Adequate Protection.

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28 Dated this 24th day of September, 2009.

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1 Respectfully submitted,

2 PIET & WRIGHT

3 By: /s/ Charles T. Wright

4 CHARLES T. WRIGHT, ESQ.

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